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March 2, 2009

Via Hand Delivery

Ms. Jennifer Simmons
Planning Director
Town of Frederick
401 Locust St.
Frederick, Colorado 80530

Re: Eagle Business Park
Rezoning and Comprehensive Plan Amendment
Letter of Intent

Dear Ms. Simmons:

Please find enclosed all required application elements and fees for the above referenced project. As indicated this application is for both a Rezoning request and amendment to the Town of Frederick Comprehensive Plan. This proposal is consistent with prior approvals granted by the Town of Frederick.

The Eagle Business Park property is located north of Tipple Parkway (CR 16) and west of Silver Birch Blvd. (CR 11). The total area of the Eagle Business Park Property is approximately 133.7 acres and is currently shown on the Comprehensive Plan as Mixed Use Residential Neighborhood, with a current zoning of PUD-O.

The Rezoning for Eagle Business Park will establish two zone districts: BLI and C-E. The BLI district will consist of roughly 76.2 acres while the C-E district will be approximately 57.5 acres. The zone districts have been established to the centerline of streets where applicable.

The Comprehensive Plan Amendment changes the Mixed Use Residential land use concept to Light Industrial and Employment according to the land areas described above. The change removes a residential planning area from the Town and provides for industrial, retail and commercial opportunities which are consistent with some adjacent properties within the Town of Frederick.

As detailed in the submittal documents, the Eagle Business Park Rezoning and Comprehensive Plan Amendment comply with the Town of Frederick's Land Use Code and all associated guidelines. We believe that the Eagle Business Park development will be a positive project for



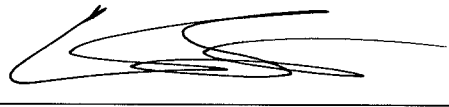
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the community and we look forward to the Town's favorable review of the documents for the site.

Thank you for your continued assistance with the project and if you have any questions, please do not hesitate to contact our office at 303.776.3100.

Sincerely,

WH Grant Enterprises LLC

By: 
Cameron A. Grant, Manager

Encl. Application & Fees

Westervelt Property

Comprehensive Plan Amendment

Mixed Use Residential to Light Industrial and Employment

The Westervelt property is depicted as mixed use residential in the Comprehensive Plan. This proposal is to amend the comprehensive plan to allow for a business related zoning district that is compatible with adjacent similarly zoned parcels, to facilitate economic development in the Town and to create jobs.

Comprehensive Plan Amendment Review Criteria Analysis

1. The amendment improves the implementation of one or more of the goals, policies, and strategies of the Town of Frederick Comprehensive Plan, 2006;

The amendment will provide business zoned lands to attract employment centers that will aid in the economic development of the Town and create jobs. The amendment creates contiguity of similarly zoned adjacent lands and provides a transition zone to the residential zone districts on the other sides. The amendment will allow the property to develop sooner and provide the open areas and trail connection amenities to the Town.

2. The amendment will not pose a detrimental impact on existing or planned Town facilities, services or transportation facilities;

The parcel is within the Town and bordered by existing Town, or Town contracted, utilities and roads. The amendment will allow for a type of development that places less burden on Public Works with lesser streets and infrastructure than residential and will not significantly impact Town other facilities or services. Improvements to services and transportation facilities may be necessary due to the development and will be analyzed and installed when the development occurs.

3. The amendment will not interfere with the existing or emerging land use patterns and densities/intensities of the surrounding neighborhoods as depicted on the Land Use Plan and contained within the Town of Frederick Comprehensive Plan, 2006;

The amendment complies with emerging trends, patterns and market conditions for the surrounding areas and removes Mixed Use Residential area from the Town.

4. The amendment will not interfere with, or prevent, the provision of any of the area's (neighborhood's) existing, planned, or previously committed services.

The amendment will not interfere or prevent the provision of the area's existing, planned or previously committed services.

Westervelt Re-Zoning Written Statement

April 6, 2009

(1) Need for the proposed rezoning;

The proposed zoning is necessary to support a commercial and light industrial development area in the Town. The zoning will support the ongoing economic development potential of the Town. The zoning will support a need for current land use in the area and facilitate immediate development, whereas residential development could be years or even decades away given the current level of saturation. The need for this type of zoning and land use is demonstrated by the current interest in this type of zoning with very little availability. The zoning type is shown to be successful in this area as demonstrated by the existing Frederick West Business Park to the northwest of the site.

(2) Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;

Present impacts would be minimal as adjacent lands are generally un-developed to the north, south and west. The lands to the east are rural County enclave parcels of low density residential. The elevation of this site is lower in elevation than the surrounding areas to the east and is along the edge of the north/south drainage known as Godding Hollow. The views in this area are primarily to the west, so there would be minimal impact to the west, south and north parcels and the impacts are mitigated for the east parcels by the elevation difference. The proposed character of the land would change from agricultural to developed, however there is no need for major changes to the physical nature of the land, such as mass land moving operations, to support future developments. Finish grades would generally be consistent with existing natural grades. Future impacts should be minimal as the ongoing designs of the site improvements and subdivision would need to address the issues such as traffic, utilities, drainage, architectural features and landscaping. In both conditions, impacts to the natural vegetation and ground cover would be minimized to those only necessary to support the development and the areas that are disturbed would be properly mitigated. The proposed zoning designations are selected to provide a transition from the employment zoning to the west to the residential to the east, north and south. The two zone districts were chosen in the selected areas to allow for a heavier use in the west where it's adjacent to other similar zonings, to a more commercial retail friendly zoning on the east where it's closer to residential zoning. The zoning designations selected should allow for transition, blend into and compliment the existing surrounding zoning districts. It should be noted that the zone districts will be separated from the residential zone districts by road rights of way and existing easements. On the east and south, the major roads will divide the districts. On the north, existing easements that have a total width over 100' will provide separation.

(3) Impact of the proposed zone on area accesses and traffic patterns;

The proposed zone should have no adverse impacts on the local accesses and traffic patterns. The adjacent major roads are Tipple Parkway and Silver Birch Blvd. Each of these roads is anticipated to carry large traffic volumes and an ultimate pavement cross section has already been determined for each to accommodate these large volumes and movement of various sizes and types of vehicles.. The zoning on this site will generate volumes and frequency of traffic as supported by those road sections. Interim conditions would be addressed by specific traffic studies for proposed developments and those studies would generate the appropriate access design considerations and off site improvement requirements to support safe traffic flow. On site traffic and access would be determined at the time of development. All perimeter accesses and

Westervelt Re-Zoning Written Statement

April 6, 2009

traffic movements would need to meet the Town Code and be subject to review and approval at the time of development. There is no unusual traffic generators anticipated.

(4) Availability of utilities for any potential development;

Utilities are available and the following providers have been contacted: Water – Town and Central Weld Water; Sanitary Sewer – St Vrain Sanitation; Gas – Source Gas; Electric – United Power; Cable TV – Comcast; Telephone – Qwest; Fiber Optic – AT&T. The parcel is located next to main transmission and distribution lines for water and sewer and there are no unusual uses projected on the site. All utility providers listed have indicated that service is available in the area and where not adjacent to the site, could be brought in.

(5) Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools and transit;

Currently, the site is zoned PUD-O and is in a medium density residential designation area. The resources necessary to support standard commercial and light industrial developments, similar to other zoned properties in the Town, would be anticipated as necessary for this site. Provisions for police and fire protection should be less than those necessary for residential projects. The build out of the site would generate employment and could result in an increase in the Town's population, however many of the employees could come from the current Town population as well. As such, needs for schools, parks and transit may not easily be identified with the rezone, other than to state that any impacts would be addressed when development occurs. Utility impacts should be minimal in comparison to the current zoning and comprehensive plan designation.

(6) The relationship between the proposal and the Comprehensive Plan; and

There is a concurrent comprehensive plan amendment application being processed. That comprehensive plan amendment would make this proposed zoning compatible with the Comprehensive plan.

(7) Public benefits arising from the proposal.

The Town would benefit from the Economic development potential for the Town with commercial/light industrial development. The development would pattern the existing Frederick West Business Park, which has been a highly successful business park in the northern area of the State.

Westervelt Property

Rezoning Request

PUD-O to BLI and C-E

The Westervelt property was zoned PUD at time of annexation. The zoning does not identify an underlying zoning classification that would establish parameters within which the property could be developed. Rezoning the property to BLI and C-E will establish clear standards and expectations for the development of the land. This change of zoning will allow for industrial and employment uses, while maintaining compatibility with neighboring developments and complying with the Town of Frederick Comprehensive Plan.

Zoning Review Criteria Analysis

1. To correct a manifest error in an ordinance establishing the zoning for a specific property;

When the Westervelt property was annexed, it was zoned PUD-O. While this was not a manifest error, it did apply a zoning designation with no specificity or detail. The requested rezoning (BLI and C-E) provides an established set of standards which will assure the development of the property in compliance with the Town's goals and policies.

2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;

Residential development and absorption rates have slowed dramatically. As such, a rezoning to BLI and C-E is appropriate to the area to encourage economic development and create jobs within the Town.

3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan;

The current zoning of PUD-O was not in error, but rather an arbitrary zoning at the time of annexation. The requested rezoning (BLI and C-E) will provide assurance that compatibility is achieved.

4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan;

The rezoning is not necessary to provide land for a community use, but the rezoning request is consistent with the policies and goals of the Comprehensive Plan.

5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area;

It is in the public interest to rezone the property to facilitate development that is likely to occur in a shorter time period than residential development, thus to continue the amenities of trail connection and open areas. A rezoning to BLI and C-E is appropriate to the area to encourage economic development within the Town and create jobs.

6. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

N/A